

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America

v.

Sebastian Nido-Valenzuela

JUDGMENT IN A CRIMINAL CASE

CR-22-01608-005-TUC-RM (LCK)

Scott M. McNamara (CJA)
Attorney for Defendant

USM#: NONE

THE DEFENDANT ENTERED A PLEA OF guilty on December 2, 2022, to Count 6 of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THE DEFENDANT GUILTY OF THE FOLLOWING OFFENSE: violating 18 U.S.C. § 554 and 18 U.S.C. § 2: Smuggling Goods from the United States, a Class C felony offense, as charged in Count 6 of the Indictment.

IT IS THE JUDGMENT OF THE COURT the defendant is placed on **PROBATION** for a term of **FIVE (5) YEARS**. The defendant shall report to the probation office within 72 hours of sentencing.

IT IS FURTHER ORDERED DISMISSING the remaining Count, 1, in the Indictment, as to this defendant only, on motion of the government.

IT IS FURTHER ORDERED the personal appearance bond in this matter shall be exonerated.

IT IS FURTHER ORDERED for the reasons stated in the Final Order of Forfeiture, the United States may seek, as a substitute asset, forfeiture of any of the defendant's property up to the value of \$500.00 in United States currency.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: REMITTED FINE: WAIVED RESTITUTION: N/A

On motion of the government, the special assessment is REMITTED.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

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PROBATION

It is ordered while on probation, the defendant must comply with the mandatory and standard conditions of supervision as adopted by this Court, in General Order 17-18, which incorporates the requirements of USSG §§ 5B1.3 and 5D1.2. Of particular importance, the defendant must not commit another federal, state, or local crime during the term of supervision. Within 72 hours of sentencing or release from the custody of the Bureau of Prisons the defendant must report in person to the Probation Office in the district to which the defendant is released. The defendant must comply with the following conditions:

MANDATORY CONDITIONS

- 1) You must not commit another federal, state, or local crime.
- 2) You must not unlawfully possess a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.
- 3) You must refrain from any unlawful use of a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted. Unless suspended by the Court, you must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court.

STANDARD CONDITIONS

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of sentencing or your release from imprisonment unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

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- 7) You must work full time (at least 30 hours per week) at a lawful type of employment unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (*i.e.*, anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

SPECIAL CONDITIONS

The following special conditions are in addition to the conditions of probation or supersede any related standard condition:

- 1) You must cooperate in the collection of DNA as directed by the probation officer.
- 2) You must submit your person, property, house, residence, vehicle, papers, or office to searches to be conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.
- 3) You must submit to substance abuse testing. You must not attempt to obstruct or tamper with the testing methods. You must contribute to the cost of testing in an amount to be determined by the probation officer.
- 4) You must maintain full-time employment or attend school full-time or a combination of the two.

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- 5) You must obtain a vocational certificate or degree or a college degree prior to the expiration of probation.

The Court may change the conditions of probation or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation.

THE COURT FINDS you have been sentenced in accordance with the terms of the plea agreement and have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

Date of Imposition of Sentence: **March 8, 2023**

Dated this 8th day of March, 2023.



Honorable Rosemary Márquez
United States District Judge

RETURN

I have executed this Judgment as follows:

_____, the institution
defendant delivered on _____ to _____ at _____
designated by the Bureau of Prisons with a certified copy of this judgment in a Criminal case.

United States Marshal

By:

Deputy Marshal